THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.17658 OF 2005

Dated:10-08-2005

Between:

Madhu Rattaiah.

..Petitioner.

And

The Lankalakoderu Gram Panchayat, Lankala Koderu, Palakol Mandal, West Godavari District, rep. by its Secretary.

..Respondetns.

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.17658 OF 2005

ORDER:

Aggrieved by the notice in R.C.No.I51 of 2005 dated 05-08-2005 issued by the respondent-Gram Panchayat, wherein it was mentioned that the petitioner has raised a hut in the Gram Panchayat land without obtaining permission from it and therefore, directed the petitioner to remove the hut within 24 hours for the purpose of constructing over head tank with a capacity of 40,000 litres in that land, the petitioner filed the present writ petition.

The learned counsel for the petitioner submits that before issuing the said notice, no opportunity was given to the petitioner to explain his version and prays that the notice is liable to be set aside.

Prima facie, as seen from the Occupancy Certificate issued by the respondent-Gram Panchayat, the son of the petitioner is residing in the hut, whereas, the notice was issued in the name of the petitioner.

Considering the facts and circumstances of the case, I deem it appropriate to treat this notice as a show cause notice and the petitioner has to submit his explanation to the respondent-Gram Panchayat within four weeks from the date of receipt of a copy of this order and the respondent-Gram

Panchayat is directed to consider the same and pass appropriate orders within a period of two weeks thereafter.

Accordingly, the writ petition is disposed of at the stage of admission. No order as to costs.

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10-08-2005

Note:

CC by one week.

(Bo)

sj